
Appeal Decision

Site visit made on 4 May 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021.

Appeal Ref: APP/P3610/D/20/3263682

32 Victoria Place, Epsom KT17 1BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Morten against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/01224/FLH, dated 30 August 2020, was refused by notice dated 21 October 2020.
 - The development proposed is for the replacement of existing single glazed wooden front (including bay) windows with double glazed uPVC windows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of proposed works as set out within the planning application form goes into significant detail, making reference to the Article 4 direction, as well as the Linton Lane Conservation Area Character Appraisal and Management Appraisal (CACA). Ultimately the proposal before me seeks planning permission for the replacement of the front windows on the appeal dwelling and I consider that the Council's description of the proposal, as set out within their decision notice accurately describes this and is more concise. I have therefore used that within the banner heading above and have determined the appeal on this basis.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The appeal site comprises part of a charming Victorian residential street which mainly consists of semi-detached two storey houses; many of these have had their original timber sliding sash windows replaced. Consequently the pattern of fenestration within Victoria Place is varied and of differing quality.
5. The houses within the street that retain the most charm road are those that maintain single glazed timber sash windows in an original design, albeit some do appear to be more modern replacements. Nevertheless any timber

replacement windows, particularly those of a sliding sash design are far more sympathetic to the street scene than uPVC equivalents. uPVC is not a traditional material and there tends to be a cruder attention to detail in units made from it. Although it is hard to tell from the drawings before me due to their small scale, such windows tend to lack the finely detailed glazing bars and texture that one experiences when inspecting the surface of painted timber through grain and brush marks. Furthermore I note in this particular case that the central window within the bay would not even comprise a sliding sash, but would have a top opening light, which appear particularly incongruous when open.

6. I note reference to the recommendations set out within section 9.3 on page 19 of the CACA, however it is my understanding that the appeal dwelling is already the subject of an Article 4(2) direction and therefore this is not directly relevant to the quote taken therefrom. Nonetheless in section 7.0 the CACA highlights that one of the negative features within the conservation area is the loss of original architectural details e.g. timber windows and doors that have been replaced with uPVC.
7. I am not in a position to dispute that more than half of the dwellings identified as 'Positive Buildings' in Victoria Place have uPVC double glazing, however the Article 4(2) direction was served with good reason and enables the Council control over insensitive alterations to buildings such as the replacement of windows. With regard to the specific examples given by the appellant, ultimately each case must be assessed on its own merits.
8. I consider that the proposed replacement uPVC windows would be harmful to the character and appearance of the host dwelling and as demonstrated by the other examples in the locality, would fail to preserve the character and appearance of the conservation area. I therefore find, pursuant to paragraph 196 of the National Planning Policy Framework, that the proposal would lead to less than substantial harm to the significance of a designated heritage asset.
9. I acknowledge that 32 Victoria Place is set back approximately 15m from the road, but I have to disagree that one would not be able to tell the difference between appropriately designed timber sliding sash replacements and those made from uPVC. I acknowledge that the replacement windows could give rise to improved security, energy efficiency and noise insulation, however such benefits could also be construed from timber units. I acknowledge that uPVC windows can require less maintenance, however ultimately it is far more difficult to repair them in the instance of any failures; and bearing in mind that some of the houses within the street appear to have their original sash windows still in place, I am not convinced that the climate of Surrey is so harsh as to warrant a deviation from windows of traditional design and construction. Therefore, I consider that there are no public benefits advanced that would outweigh the less than substantial harm cited above.
10. In addition to finding the proposal contrary to the Framework and the CACA, I also find that the proposal conflicts with policy CS5 of the LDF Core Strategy (2007) and policies DM8, DM9 and DM10 of the LDF Development Management Policies Document (2015) which together seek to protect and enhance the Borough's heritage assets, requiring high quality design particularly in those areas where the character has been eroded as identified in conservation area appraisals; this is whilst respecting the local distinctiveness of a street through,

amongst other things typical details and key features such as window format and building materials.

Conclusion

11. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR